IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 20581 of 2003

Between:
1 Etikala Satya Reddy, S/o Narayana Reddy,
R/o Ismailkhanguda Village, Ghatkesar mandal, Ranga Reddy District.
2 R. Nageshwar Goud, S/o R. Laxmaiah Goud,
R/o H.No 1-8-1/26, Suryanagar, Chikkadpaly, Hyderabad.
3 Smt. Savitramma, W/o Late H. Rachappa,
R/o H.No 3-4-468, Narayanaguda, Hyderabad.
4 Ilaiah, S/o S. Balappa,
R/o 2-51, Nagole Village, Upal Mandal, Ranga Reddy District.
5 Smt. Manemma, D/o C. Balaiah,
R/o Ismailkhanguda Village, Ghatkesar Mandal, Ranga Reddy District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Chevella Division, Somajiguda, Hydrabad.
2 The Mandal Revenue Officer, Serilingamplally Mandal, Ranga Reddy District.
3 Smt. S. Pushpamma, W/o Late Lingamaiah,
R/o H.No 8-3-231/F/29, Krishna Nagar, Hyderabad.
4 Smt. S. Chandrakala, W/o D. Srinivas Goud,
R/o H.No 8-3-231/F/29, Krishna Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the order dt.27-2-2002 in File No.C/3600/2000 on the file of the first respondent, as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

For Respondents 1 and 2: GP FOR REVENUE.

Counsel for respondent s 3 and 4: MR.B.VIJAYSEN REDDY.

The Court Made the Following :

Oral Order:

Petitioners filed an application before the 2nd respondent for validating the unregistered sale deed under Section 5-A of the A.P. Record of Rights Act, 1971 (for short 'the Act'). The 2nd respondent by order dated 18-01-1991 decided the same in favour of petitioners. Against the same respondents 3 and 4 filed appeal in the year 2000 before the 1st respondent after amendment to Section 5-B of the Act, which was allowed on 27-02-2002. Aggrieved by the same petitioners filed revision before the District Collector. In view of the law declared by a Division Bench of this Court in ***M.B.RATNAM v. REVENUE DIVISIONAL OFFICER, R.R.DISTRICT***[1]***,*** when a sale is validated prior to amendment of Section 5-B of the Act no appeal should lie. Petitioners filed the present writ petition questioning the order passed by the RDO contending that he is not having jurisdiction and the appeal is not maintainable.

Heard the learned Counsel for the petitioners and learned Government Pleader for Revenue for respondents 1 and 2 and Mr.B.Vijayasen Reddy for respondents 3 and 4.

Learned Counsel for the petitioners submits that since the order passed by the MRO validating the unregistered sale deed through his proceedings dated 18-01-1991 is a nullity, the petitioners may be permitted to question the same by way of revision as per the observation made by the Division Bench of this Court in the case of M.B.Ratnam (1 supra). Since the petitioners bonafidely pursued the remedy of appeal,

which is subsequently held as not maintainable, it is always open for the petitioners to question the order passed by the MRO before the appropriate forum as per the law.

In view of the same, impugned order dated 27-02-2002 in File No.C/3600/2000 is set aside.

The writ petition is accordingly allowed. No costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder gupta, the Chief Justice on this Thursday the Twenty Fourth of June Two Thousand and Four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1. The Revenue Divisional Officer, Chevella Division, Somajiguda, Hydrabad.
2. The Mandal Revenue Officer, Serilingamplally Mandal, Ranga Reddy District.
3. 2 CCs to Government Pleader for Revenue (OUT)
4. 2CD copies.
5. 1 CC to Mr.B.Vijaysen Reddy, Advocate (O.P.U.C.)
6. 1 CC to Mr.K.Raghuveer Reddy, Advocate (O.P.U.C.)

Ty MKHC .By.

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[1] 2003 (1) ALD 826 (DB)